IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6665 of 2006

Date of Decision: 14.12.2006

Sumit Singh ...Petitioner

Vs.

Harpreet Kaur ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Amit Rawal, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against an order passed by the learned Court below under section 24 of the Hindu Marriage Act granting maintenance pendente'lite to the wife at the rate of Rs.4500/- per month and litigation expenses of Rs.10,000/-.

The respondent-wife had taken a stand that the petitioner is proprietor of a firm under the name and style of M/s Ess Ess Auto Parts, Bhagwan Chowk, Janta Nagar, Ludhiana and turn over of the firm was more than Rs.1 Crore. However, the petitioner did not disclose the total turn over and placed on record the Income Tax Return showing the income

to be Rs.1,03,230/-. It was also claimed by the petitioner that the factory was under the joint ownership of the petitioner and his father and therefore, was not proprietary concern.

The learned Trial Court in view of the material brought on record has granted maintenance pendente'lite at the rate of Rs.4500/- per month and litigation expenses to the tune of Rs.10,000/-. Learned counsel for the petitioners contends that maintenance has been granted without actually assessing the total income and therefore, the impugned order cannot be sustained.

I have considered the arguments raised by the learned counsel for the petitioner and find no force in the same. The learned trial court prima facie on consideration of material placed on record has come to the conclusion that the amount of Rs.4500/- would be just maintenance payable to the wife in view of the status of the parties. The amount cannot be said to be excessive so as to call for interference by this Court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

14.12.2006
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